

REMARKS

This responds to the Office Action mailed on October 6, 2005.

Claims 1-4 and 20-34 are pending in this application.

§102 Rejection of the Claims

Claims 20 and 29 were rejected under 35 USC § 102(b) as being anticipated by Higuchi et al. (U.S. 5,311,500). Applicant respectfully traverses this rejection and requests the Office to consider the following.

Applicant has selected a phrase that means “near, but not at the edge”. This phrase is “proximate said packaging material edge”. Each usage of this terminology and each illustration is consistent with “not at the edge, but next or following”. Applicant may be his own lexicographer, which Applicant has done in the instant patent application.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), M.P.E.P. §2131, 8th Ed., Rev. 1).

The Office Action asserts that the moisture barrier 5a of Higuchi et al. “is formed on the dielectric layer proximate to the edge of the substrate.” (Office Action at page 2). Applicant respectfully asserts that Higuchi’s moisture barrier 5a is everywhere exactly at the edge of the substrate. This means Higuchi’s moisture barrier 5a cannot be anywhere “proximate” as Applicant has selected to use this word. Claim 20 requires the limitation of

forming at least one first barrier structure on said first dielectric material layer *proximate* said at least one substrate edge.

Although Applicant has not explicitly defined the word “proximate” in the specification, the M.P.E.P. states that

[w]ords in patent claims are given their ordinary meaning in the usage of the field of the invention, unless the text of the patent makes clear that a word was used with special meaning.

(M.P.E.P. § 2111.01, citations omitted).

Applicant first respectfully asserts that the “Field of the Invention” “relates to apparatus and processes for packaging microelectronic dice.” (Instant application at page 1). But Higuchi explicitly states the field of his invention “relates to a magneto-optical disk for large-capacity information storage” (Higuchi at column 1, lines 11-12). Accordingly, the fields of the invention are disparate and the term “proximate” cannot be applied to Higuchi in the same meaning as in the instant claims.

Applicant second respectfully asserts that the Specification is consistent in placing the moisture barrier inside the structure such that “proximate said at least one substrate edge” is always internal to the structure, and next preceding the edge, but it is not external at the edge itself as exclusively shown in Higuchi. And by applying the first principal stated in M.P.E.P. § 2111.01, Higuchi’s disclosure as useful to define “proximate” is disqualified in any event because it is from a disparate field of invention. Withdrawal of the rejections is respectfully requested.

Applicant also respectfully asserts that, Applicant’s specification being internally consistent to define as its own lexicographer the meaning of “proximate”, nowhere can the term “promixate” (Proximate 2. very near: close) mean “exactly at”. And “exactly at” is the only teaching of Higuchi. Withdrawal of the rejections is respectfully requested.

Allowable Subject Matter

Claims 21-28 and 30-34 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges such provisional indication of allowability, but respectfully asserts that Higuchi et al. is not a proper reference to define the term “proximate” due to its placement in a disparate field of invention. Withdrawal of the objections is respectfully requested.

Allowable Subject Matter

Claims 21-28 and 30-34 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, John Greaves at (801) 278-9171 or the below-signed attorney to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

QING MA

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Date Jan. 6, 2006

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6th day of January 2006.

Amy Moriarty

Name

Signature

